

UNITED STATES DISTRICT COURT ~~FILED~~
FOR THE DISTRICT OF MASSACHUSETTS ~~OFFICE~~

KATHERINE WAGNER)	2003 NOV 24 A 10:20
Plaintiff,)	U.S. DISTRICT COURT
v.)	DISTRICT OF MASS.
SOCIÉTÉ AIR FRANCE (improperly designated as "Air France"))	CIVIL ACTION NO.: _____
Defendant.)	03-40260

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

PLEASE TAKE NOTICE that the Defendant, Société Air France (improperly designated "Air France"), by and through its undersigned counsel, Robins, Kaplan, Miller & Ciresi LLP, hereby notifies this Honorable Court of the removal of the above-captioned civil action from the Fitchburg District Court to the United States District Court for the District of Massachusetts. The basis for removal is more particularly stated as follows:

1. On or about September 2, 2003, the Plaintiff, Katherine Wagner ("Plaintiff"), commenced this action by filing a Statement of Small Claim in the Fitchburg Division of the District Court Department, in the county of Worcester, in the matter captioned *Katherine Wagner v. Air France*, Civil Action No. 0316 SC 1088. A true and correct copy of the Statement of Small Claim is attached hereto as Exhibit "A."

35011700.1

FILING FEE PAID:
RECEIPT # 404216
AMOUNT \$ 150.00
BY DPTY CLK X71
DATE 11-24-03

2. On or about November 5, 2003, Defendant received a copy of the attached Notice of Small Claim at its Florida customer service center.

3. There have been no further proceedings in the Fitchburg District Court and there are no other pleadings of record in that action.

4. This Notice of Removal is being filed with the Court within thirty (30) days of Defendant's receipt of the Statement of Small Claim as provided by 28 U.S.C. §1446(b).

5. Defendant is a foreign corporation, duly organized and existing under the laws of the Republic of France, with a principal place of business located in Paris, France.

6. The Republic of France owns a majority of the shares of stock of the Defendant.

7. Defendant is an "agent or instrumentality of a foreign state" as defined by 28 U.S.C. §1603 as it is a corporation with a majority of shares owned by a foreign state or political subdivision.

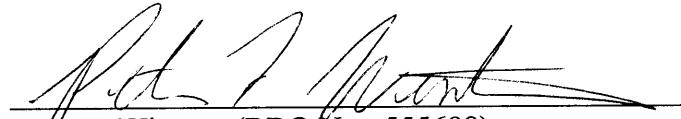
8. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1330, without regard to the amount in controversy and this action is removable pursuant to 28 U.S.C. §1441(d).

9. As an agency or instrumentality of a foreign state, Defendant hereby invokes its right pursuant to 28 U.S.C. §1441(d) to have this action tried without a jury in the United States District Court for the District of Massachusetts.

WHEREFORE, Defendant, Société Air France (improperly designated Air France), respectfully requests that the above-captioned action be removed from the Fitchburg Division of

the District Court Department to this Honorable Court.

Respectfully submitted,
ROBINS, KAPLAN, MILLER & CIRESI L.L.P.



Peter F. Winters. (BBO No.: 555698)

171 Huntington Avenue, Suite 1300

Boston, Massachusetts 02199

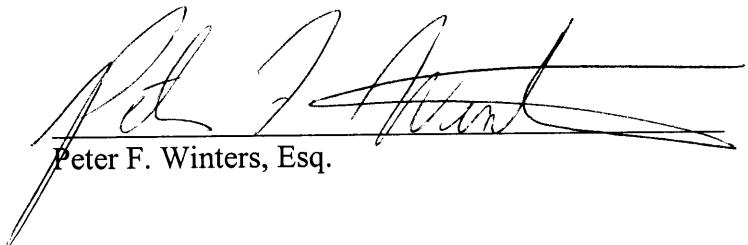
(617) 267-2300

Attorneys for Defendant, Société Air France

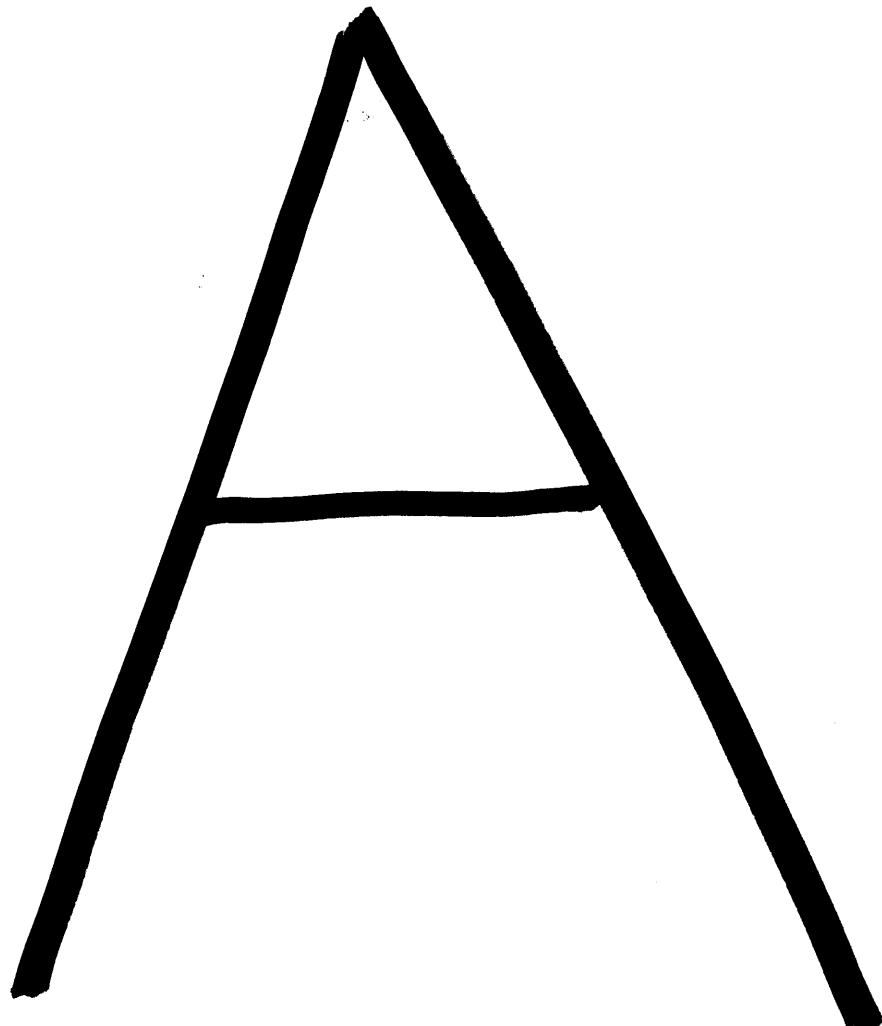
DATED: November 24, 2003

CERTIFICATE OF SERVICE

I, Peter F. Winters, Esq., hereby certify that a true and correct copy of the foregoing document has been mailed, first class mail, postage prepaid on November 24, 2003, to the plaintiff's counsel Bruce Skine, 620 Lewis Wharf, Boston, MA 02110.



Peter F. Winters, Esq.



STATEMENT OF SMALL CLAIM
AND NOTICE OF TRIAL

For Court Use Only

Case 4:03-cv-40260-FDS Document 1 Filed 11/24/2003 Page 6 of 8

Small Claims Section

0316 SC 1088

PART 1

 BOSTON MUNICIPAL COURT DISTRICT COURT HOUSING COURT

PART 2

PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE

Katherine Wagner Norm Wagner

PLAINTIFF'S ATTORNEY (if any)

Name:

Division

8 Glent Lane 39 MASS AVE

Address:

NOV - 7 2003

NYC. AJ

PHONE NO: 878-342-1330

PHONE NO:

BBO NO:

DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE

Air France - Customer Relations

ADDITIONAL DEFENDANT (if any)

Name:

P.O. Box 459000

Address:

9702000009/12/03 SMALL CLAIM

30.00

Sunrise, FL 33345

9702000009/12/03 SURCHARGE

10.00

PHONE NO: 877-247-9847

PHONE NO: 40.00

PLAINTIFF'S CLAIM. The defendant owes \$ 1000.00 plus \$ 100.00 court costs for the following reasons:
Give the date of the event that is the basis of your claim.

On 7/19/03, Air France practiced unfair and deceptive trade practices. It had confirmed reservation for flight 1149. Air France bumped me from my flight and made no attempt to reschedule me on another flight, leaving me stranded in France.

SIGNATURE OF PLAINTIFF X

MEDIATION: Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date.

 The plaintiff is willing to attempt to settle this claim through court mediation.

MILITARY AFFIDAVIT: The plaintiff states under the pains and penalties of perjury that the:

 above defendant(s) is (are) not serving in the military and at present live(s) or work(s) at the above address. above defendant(s) is (are) serving in the military.

X Paul Wagner

SIGNATURE OF PLAINTIFF

DATE

NOTICE OF TRIAL

NOTICE TO DEFENDANT:

You are being sued in Small Claims Court by the above named plaintiff. You are directed to appear for trial of this claim on the date and time noted to the right.

If you wish to settle this claim before the trial date, you should contact the plaintiff or the plaintiff's attorney.

SEE ADDITIONAL INSTRUCTIONS ON THE BACK OF THIS FORM

FIRST JUSTICE

OR THE CLERK OR DESIGNEE

PAUL F. LOCONTI

NAME AND ADDRESS OF COURT

FITCHBURG DISTRICT COURT
100 ELM STREET
FITCHBURG, MA 01420

BOTH THE PLAINTIFF AND THE DEFENDANT MUST APPEAR AT THIS COURT ON THE DATE AND TIME SPECIFIED

DATE AND TIME OF TRIAL

MONDAY,
12/1/03 AT 1:00 PM
DATE TIME

ROOM NO. MAIN FLOOR COURTROOM

A COURT OF RECORD

INSTRUCTIONS FOR FILING A SMALL CLAIM — You must complete Parts 1-6 of this form. See instructions on reverse.

CIVIL COVER SHEET

03-40260

FILED
CLERK'S OFFICE

The JS-44 civil cover sheet and information contained herein neither replace nor supplement the filing and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

1. (a) PLAINTIFFS

Katherine Wagner

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Worcester
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEY'S (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Bruce Skrine, Esq.
628 Lewis Wharf
Boston, MA 02110
508 331-6899

DEFENDANTS

Societe Air France (improperly designated as Air France)

2001 NOV 24 A 10:19

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

ATTORNEYS (IF KNOWN)

Peter F. Winters, Esq.
111 Huntington Avenue, Suite 1300
Boston, MA 02199-7610
617 267-2300

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties In Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

	PLTF DEF	PTF DEF
Citizen of This State	X 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	Incorporated and Principal Place Of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 420 Other Food & Drug	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 425 Drug Related Seizure of Property 21 USD 881	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act			<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)			<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 875 Customer Challenge
<input checked="" type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 891 12 USC 3410
	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 892 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage		<input type="checkbox"/> 893 Economic Stabilization Act
				<input type="checkbox"/> 894 Ebergt Allocation Act
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 900 Appeal of Fee
				<input type="checkbox"/> 910 Determination
				<input type="checkbox"/> 920 Under Equal Access to Justice
				<input type="checkbox"/> 930 Economic Matters
				<input type="checkbox"/> 940 RSI (405(g))
				<input type="checkbox"/> 950 Constitutionality of State Statutes
				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 900 Appeal to Judge from
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 520 HABEAS CORPUS: Accommodations		<input type="checkbox"/> 910 Magistrate
<input type="checkbox"/> 230 Rent Lease & Equipment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 240 Torts to Land		<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Magistrate Judgment

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

Unfair and deceptive business practice, USC 1446

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 2,000.00 CHECK YES only if demanded in complaint

JURY DEMAND: YES NOVIII. RELATED CASE(S) (See instructions:
IF ANY)JUDGE J. F. T. M. DOCKET NUMBER

DATE

November 24, 2003

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT# AMOUNT APPLYING IFFP JUDGE MAG. JUDGE

